

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF CALIFORNIA

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

# Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Franciscan Friars of California, Inc.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 94-6064031

4. Debtor's address Principal place of business

1500 34th Avenue  
Oakland, CA 94601

Number, Street, City, State & ZIP Code

Alameda  
County

Mailing address, if different from principal place of business

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **Franciscan Friars of California, Inc.**  
Name

Case number (if known)

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

B. Check all that apply

- ☒ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

**8131**

8. Under which chapter of the Bankruptcy Code is the debtor filing? Check one:

- ☐ Chapter 7  
☐ Chapter 9

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

☒ Chapter 11. Check all that apply:

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.  
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No  
☐ Yes.

Debtor **Franciscan Friars of California, Inc.**  
Name

Case number (if known)

List all cases. If more than 1,  
attach a separate list

Debtor  
District

When

Relationship

Case number, if known

**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

**Where is the property?**

Number, Street, City, State & ZIP Code

**Is the property insured?**

☐ No

☐ Yes. Insurance agency

Contact name

Phone

**Statistical and administrative information**

**13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**

- ☐ 1-49  
☐ 50-99  
☒ 100-199  
☐ 200-999

- ☐ 1,000-5,000  
☐ 5001-10,000  
☐ 10,001-25,000

- ☐ 25,001-50,000  
☐ 50,001-100,000  
☐ More than 100,000

**15. Estimated Assets**

- ☐ \$0 - \$50,000  
☐ \$50,001 - \$100,000  
☐ \$100,001 - \$500,000  
☐ \$500,001 - \$1 million

- ☒ \$1,000,001 - \$10 million  
☐ \$10,000,001 - \$50 million  
☐ \$50,000,001 - \$100 million  
☐ \$100,000,001 - \$500 million

- ☐ \$500,000,001 - \$1 billion  
☐ \$1,000,000,001 - \$10 billion  
☐ \$10,000,000,001 - \$50 billion  
☐ More than \$50 billion

**16. Estimated liabilities**

- ☐ \$0 - \$50,000  
☐ \$50,001 - \$100,000  
☐ \$100,001 - \$500,000  
☐ \$500,001 - \$1 million

- ☐ \$1,000,001 - \$10 million  
☒ \$10,000,001 - \$50 million  
☐ \$50,000,001 - \$100 million  
☐ \$100,000,001 - \$500 million

- ☐ \$500,000,001 - \$1 billion  
☐ \$1,000,000,001 - \$10 billion  
☐ \$10,000,000,001 - \$50 billion  
☐ More than \$50 billion

Debtor **Franciscan Friars of California, Inc.** Case number (if known) \_\_\_\_\_  
Name

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/31/2023  
MM / DD / YYYY

☒ /s/ David Gaa, OFM. David Gaa  
Signature of authorized representative of debtor

**David Gaa, OFM**  
Printed name

Title OFM Friar of Franciscan  
Friars of CA, Inc

**18. Signature of attorney**

☒ /s/ Robert G. Harris  
Signature of attorney for debtor

Date 12/31/2023  
MM / DD / YYYY

**Robert G. Harris, #124678**  
Printed name

**Binder & Malter, LLP**  
Firm name

**2775 Park Avenue**  
**Santa Clara, CA 95050**  
Number, Street, City, State & ZIP Code

Contact phone (408) 295-1700 Email address Rob@bindermalter.com

**#124678 CA**  
Bar number and State

**FRANCISCAN FRIARS OF CALIFORNIA, INC.  
BOARD OF TRUSTEE RESOLUTIONS**

WHEREAS, Franciscan Friars of California, Inc., a California nonprofit religious corporation ("FFC") was formed to provide religious, charitable, and educational acts, ministry, and service to the poor.

WHEREAS, California Assembly Bill 218 temporarily set aside the statute of limitations for childhood sexual abuse victims to file claims, and FFC has been named as a defendant in a significant number of recently filed abuse cases alleging friar misconduct decades in the past as well as seven pending abuse cases in Arizona and New Mexico.

WHEREAS, The Trustees of FFC engaged professional assistance in evaluating the claim details, available insurance coverage, financial resource availability, and the scope of potential strategic responses.

WHEREAS, FFC does not have sufficient financial resources to adequately resolve these cases through the ordinary civil litigation process, or to provide financial settlements within the expected range of outcomes.

WHEREAS, At an FFC Trustee meeting held via Zoom on November 30, 2023, the group of professionals presented their findings and recommendations to the Board of Trustees and responded to questions from the Trustees.

WHEREAS, after careful deliberations the Board of Trustees of FFC determined that it is the best interest of FFC to file a reorganization plan under Chapter 11 of the US Bankruptcy Code.

NOW, THEREFORE, at the duly called meeting of the Trustees on November 30, 2023, the following resolutions have been presented, deliberated, and reviewed by the Trustees and the same are, in all respects adopted:

RESOLVED, that the Trustees of FFC hereby authorize and direct FFC to take the appropriate steps to file a reorganization plan under Chapter 11 of the US Bankruptcy Code.

BE IT FURTHER RESOLVED, that David Gaa is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of FFC; and

BE IT FURTHER RESOLVED, that David Gaa is authorized and directed to appear in all bankruptcy proceedings on behalf of FFC, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of FFC in connection with such bankruptcy case, and

BE IT FURTHER RESOLVED, that David Gaa is authorized and directed to employ Binder & Malter, LLP to represent FFC in such bankruptcy case.

### **OMNIBUS RESOLUTIONS**

The following resolutions were unanimously approved without discussion:

NOW THEREFORE, BE IT RESOLVED, that David Gaa is hereby, authorized and directed to execute and deliver all such instruments, documents and certificates, including amendments with respect to the same, and to take all such further action in connection with the resolutions above as they may deem necessary, advisable or proper to effectuate the intent and purpose of the forgoing resolutions; and

RESOLVED FURTHER, that all acts and things heretofore done by David Gaa, or any officer or any agent of FFC, on or prior to the date hereof, in connection with the transactions contemplated by these resolutions be and the same hereby are, in all respects ratified, confirmed, approved and adopted as acts on behalf of FFC.

I, Martin Ibarra, certify that I am the duly elected Secretary of Franciscan Friars of California, Inc. a California nonprofit religious corporation. I further certify that the resolutions set forth above were adopted in accordance with the Bylaws of Franciscan Friars of Californian, Inc., a California nonprofit religious corporation on April 18, 2023, and that said resolutions have not been modified nor rescinded.

Executed at Oakland, California this 30<sup>th</sup> day of November 2023.



---

Martin Ibarra, ofm  
Secretary